

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ERIC ABSHER,)
)
Petitioner,)
)
vs.) NO. CIV-19-0354-HE
)
JOE ALLBAUGH,)
)
Respondent.)

ORDER

Petitioner Eric Absher, a state prisoner appearing *pro se*, filed a § 2254 habeas petition alleging ineffective assistance of trial and appellate counsel, that the trial court lacked jurisdiction to hear the case, and cumulative error. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the case was referred to Magistrate Judge Shon T. Erwin for initial proceedings. Petitioner has filed a motion to proceed *in forma pauperis*, and Judge Erwin has issued a Report and Recommendation recommending that the motion be denied and the petition be dismissed unless petitioner pays the \$5 filing fee.

Petitioner has filed a motion seeking extra time to complete payment of this fee which the court also considers an objection to the Report. Because petitioner does not challenge the conclusion that he does not qualify for IFP status, the Report [Doc. # 7] is **ADOPTED**. Petitioner shall pay the \$5 filing fee within **twenty (20) days** from the date of this order or his petition will be dismissed without prejudice. In light of that time period, petitioner's Motion for an Extension of Time [Doc. #8] is **STRICKEN** as moot.

IT IS SO ORDERED.

Dated this 10th day of May, 2019.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE